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March 20, 2024

Via ECF

The Honorable Vincent L. Briccetti
United States District Court, Southern District of New York
Hon. Charles L. Brieant Jr. Federal Building and Courthouse
300 Quarropas Street, Room 620
White Plains, NY 10601-4150

Re: Jimenez v. Artsana USA, Inc., No. 7:21-cv-07933-VB

Dear Judge Briccetti:

The undersigned represent Plaintiffs and the certified Settlement Class, as well as Artsana USA, Inc. (together, the “Parties”), in the above-referenced matter. The Parties have conferred and jointly seek an extension of the Fairness Hearing date and the deadlines for renewal of Plaintiffs’ motion for final approval of the settlement (“Final Approval Motion”) and any motion for attorneys’ fees and expenses and/or named plaintiff service awards (“Attorneys’ Fees Motion”), as well as entry of related interim deadlines.

On November 27, 2023, Your Honor issued an Order regarding dates by which the Settlement Administrator, Angeion Group, LLC (“Angeion”), would provide counsel with data concerning submitted claims. (ECF No. 101). On February 1, 2024, Angeion submitted a Declaration (ECF No. 106) providing the Court with an update on the progress of the claims validation process indicating it was unable to meet the January 31, 2024 deadline set forth in the Court’s November 27, 2023 Order and estimating that such process could be completed by March 1, 2024. On February 7, 2024, the Court granted Angeion an extension of time and Ordered Angeion to provide all counsel with the relevant claims data by March 1, 2024. (ECF No. 107). Angeion did not meet the March 1, 2024 deadline, but provided counsel with initial claims data on March 8, 2024, with certain additional claims data on March 12, 2024. Counsel expect that further updated claims data from Angeion is forthcoming.

Under the Court’s current schedule, all papers in support of the Final Approval Motion and Attorneys’ Fees Motion are due to be filed on March 22, 2024. (ECF. No. 102). The Parties agree and the Court has ordered that any objection/contest process, rejection-letter-and-appeal process, or deficiency process should take place before the date of the continued Fairness Hearing. *Id.* Given the delay in receiving claims data, the Parties have conferred and agree that an extension of the Fairness Hearing date currently scheduled for April 23, 2024, as well as the deadlines for Plaintiffs to file a renewed Final Approval Motion and Attorneys’ Fees Motion and

for the dates for opposition and replies is also necessary and desirable to ensure the Parties and the Court have accurate data regarding the status of the claims.

Accordingly, the Parties, through their counsel, jointly seek entry of the Proposed Order Regarding Claims Administration, Contest Process, and Dates of Fairness Hearing and Related Briefing Schedule, attached hereto as Exhibit A (“Proposed Order”). The Parties respectfully seek modification of the following deadlines, as well as entry of interim deadlines as set forth in the attached. This is the first request for an extension of the briefing deadlines and the continued Fairness Hearing.¹

- The Parties propose that the deadline for Plaintiffs to file a renewed Final Approval Motion and Attorneys’ Fees Motion be extended from March 22, 2024 (ECF No. 102) to May 9, 2024 (Proposed Order, ¶ 6).
- The Parties propose that the deadline for Defendant to file any opposition to the renewed motions be extended from April 5, 2024 (ECF No. 102) to May 23, 2024 (Proposed Order, ¶ 7).
- The Parties propose that the deadline for Plaintiffs’ replies, if any, be extended from April 12, 2024 (ECF No. 102) to May 30, 2024 (Proposed Order, ¶ 8).
- The Parties propose that the deadline for Angeion to file a final affidavit regarding the status of the claims process be extended from April 16, 2024 (ECF No. 102) to May 7, 2024 (Proposed Order, ¶ 5).
- The Parties propose, subject to the Court’s convenience, that the Fairness Hearing scheduled for April 23, 2024 (ECF No. 100) be adjourned to June 17, 2024 (Proposed Order, ¶ 9).

Thank you for your attention to this matter. If the Court has any questions, we are available at your convenience.

Respectfully submitted,

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¹ On November 8, 2023, the Court tentatively continued the Fairness Hearing to February 8, 2024, subject to confirmation from the Parties of the suitability of that date. (ECF No. 98). The Court subsequently adjourned the Fairness Hearing to April 23, 2024. (ECF No. 100).

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